

chapter must be included in the application, except that, if preapproval review has been waived, the manufacturer is not required to send a prototype PFD sample to the Commandant.

(3) The type of performance (Type I, II, or III) that the PFD is designed to provide along with the Approval Type sought (Type I, II, III, or V).

(4) Any special purpose(s) for which the PFD is designed and the vessel(s) or vessel type(s) on which its use is intended.

(5) Buoyancy, torque, and other relevant tolerances to be met during production.

(6) The text of any optional marking to be included on the PFD in addition to the markings required by § 160.076–39.

(7) A draft of the information pamphlet required by § 160.076–35.

(8) A draft of the owner's manual required by § 160.076–37.

(9) For any conditionally approved PFD, the intended approval condition(s).

(d) The description required by § 159.005–9 of this chapter of quality control procedures may be omitted if the manufacturer's planned quality control procedures meet the requirements of §§ 160.076–29 and 160.076–31.

(e) *Manual and pamphlet.* Before granting approval of a PFD design, the Commandant may require changes to the manual and information pamphlet submitted for review to ensure compliance with the requirements of §§ 160.076–35 and 160.076–37.

(f) *Waiver of tests.* A manufacturer may request that the Commandant waive any test prescribed for approval under this subpart. To request a waiver, the manufacturer must submit to the Commandant and the recognized laboratory, one of the following:

(1) Satisfactory test results on a PFD of sufficiently similar design as determined by the Commandant.

(2) Engineering analysis demonstrating that the test for which a waiver is requested is not appropriate for the particular design submitted for approval or that, because of its design or construction, it is not possible for the PFD to fail that test.

(g) *Alternative requirements.* A PFD that does not meet the requirements of

this subpart may be approved by the Commandant if the device—

(1) Meets other requirements prescribed by the Commandant in place of or in addition to the requirements of this subpart; and

(2) As determined by the Commandant, provides at least the same degree of safety provided by other PFDs that meet the requirements of this subpart.

[CGD 94–110, 60 FR 32848, June 23, 1995, as amended by CGD 94–110, 61 FR 13946, Mar. 28, 1996]

EFFECTIVE DATE NOTE: By 79 FR 56500, Sept. 22, 2014, § 160.076–13 was amended by removing paragraph (c)(3) and redesignating paragraphs (c)(4), (5), (6), (7), (8), and (9) as paragraphs (c)(3), (4), (5), (6), (7), and (8), respectively, effective Oct. 22, 2014.

#### **§ 160.076–15 Suspension or termination of approval.**

As provided in § 159.005–15 of this chapter, the Commandant may suspend or terminate the approval of an inflatable PFD design if the manufacturer fails to comply with this subpart or the recognized laboratory's accepted procedures or requirements.

#### **§ 160.076–17 Approval of design or material changes.**

(a) The manufacturer must submit any proposed changes in design, material, or construction to the recognized laboratory and the Commandant for approval before changing PFD production methods.

(b) Determinations of equivalence of design, construction, and materials may be made only by the Commandant or a designated representative.

#### **§ 160.076–19 Recognized laboratories.**

The approval and production oversight functions that this subpart requires to be conducted by a recognized laboratory must be conducted by an independent laboratory recognized by the Coast Guard under subpart 159.010 of part 159 of this chapter to perform such functions. A list of recognized independent laboratories is available from the Commandant and online at <http://cgmix.uscg.mil>.

[USCG–2011–0076, 77 FR 19942, Apr. 3, 2012]